



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during April 2010
DISTRIBUTED: June 3, 2010

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Land:

Bryan Emery and Kristi Emery, Detroit, Maine. Bryan Emery and Kristi Emery ("the Emerys") violated provisions of Maine's *Natural Resources Protection Act* by displacing soil in a freshwater wetland and displacing soil in and adjacent to a river, stream or brook without first obtaining a permit from the Department, *Protection and Improvement of Waters* law by discharging soil to waters of the State without first obtaining a permit from the Department, and the *Erosion and Sedimentation Control* law by conducting or causing to be conducted an activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. Specifically, the Emerys constructed a 275 foot long by 10 foot wide trench through a freshwater wetland to the Sebasticook River for kayak access to the river. The spoils from the trench were deposited adjacent to the trench in the freshwater wetland. At the time of a Department inspection, no erosion controls were installed at the site and staff observed silt suspended in the water in the trench all the way to the Sebasticook River. To resolve the violations, the Emerys agreed to submit a restoration plan to the Department to place the dredged material back into the trench and restore the grade and native vegetation in the area to its former condition, and paid \$2,500 as a civil monetary penalty.

McLaughlin's Timber Trucking, Inc., Orrington, Maine. McLaughlin's Timber Trucking, Inc. ("McLaughlin's") violated provisions of Maine's *Natural Resources Protection Act* by dewatering 200 feet of a river, stream or brook without first obtaining a permit from the Department and *Protection and Improvement of Waters* law by discharging a pollutant, namely gravel, to waters of the state without first obtaining a permit from the Department. Specifically, in the course of a logging operation, McLaughlin's had crossed an unnamed stream three times causing the stream to be diverted at the lowest crossing into a skid trail parallel to the stream for a length of 200 feet. In addition, staff noted that soil had discharged into the stream at each of the three crossings. Following Department involvement, McLaughlin's restored and stabilized the stream to the satisfaction of Department staff. To resolve the violations, McLaughlin's paid \$1,940 as a civil monetary penalty.

Chauncey Viera, Sanford, Maine. Chauncey Viera ("Viera") violated Maine's *Natural Resources Protection Act* by placing fill material in a freshwater wetland without first obtaining a permit from the Department. Specifically, Viera placed fill material in approximately 10,400 square feet of a freshwater wetland for a house and driveway. Following Department involvement, Viera submitted an after-the-fact permit application to the Department for the wetland alteration, which was subsequently approved by the Department. To resolve the violation, Viera paid \$1,237 as a civil monetary penalty.



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Water:

Town of Bar Harbor, Bar Harbor, Maine. The Town of Bar Harbor ("Bar Harbor") violated Maine's *Protection and Improvement of Waters* law and the conditions of a permit issued thereunder by discharging untreated wastewater to Frenchman Bay. Specifically, the town's Hulls Cove Pump Station overflowed to Frenchman Bay on two occasions due to failure of the pumps during high flow events. Based on pumping records, approximately 75,000 gallons of untreated wastewater was discharged on each occasion. To resolve the violations, Bar Harbor agreed to submit to the Department for review and approval plans and a schedule for temporary and permanent upgrades or replacement of the existing alarm system as necessary to prevent or minimize overflows from the Hulls Cove Pump Station, and paid \$1,175 as a civil monetary penalty.

Town of Farmington, Farmington, Maine. The Town of Farmington ("Farmington") violated provisions of Maine's *Protection and Improvement of Waters* law and a Department permit issued thereunder by adding septage into the wastewater treatment process at the town's public wastewater collection and treatment facility in an amount which exceeded the amount of septage allowed to be added into the process by the facility's permit. Specifically, the facility's permit allows for 20,000 gallons of septage to be added to the wastewater treatment process per month, during July 2008 Farmington added 38,100 gallons to the treatment process. Following Department involvement, Farmington proposed measures to improve its septage management program. To resolve the violation, Farmington agreed to implement the measures proposed to improve its septage management program, and paid \$1,530 as a civil monetary penalty.